



General Assembly

**Amendment**

February Session, 2006

LCO No. 5399

**\*HB0568505399HDO\***

Offered by:

REP. BERGER, 73<sup>rd</sup> Dist.

SEN. LEBEAU, 3<sup>rd</sup> Dist.

To: Subst. House Bill No. 5685

File No. 579

Cal. No. 159

(As Amended)

**"AN ACT CONCERNING BROWNFIELDS."**

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- 1 Strike section 6 in its entirety and insert the following in lieu thereof:
- 2 "Sec. 6. (NEW) (*Effective July 1, 2006*) Upon remediation as approved
- 3 by the Department of Environmental Protection of the brownfield
- 4 property by the municipality or economic development agency, the
- 5 economic development agency or the municipality may transfer the
- 6 property to any person provided such a person is not otherwise liable
- 7 under section 22a-432, 22a-433, 22a-451 or 22a-452 of the general
- 8 statutes. The person who acquires title from the municipality or
- 9 economic development agency shall not be liable under said section
- 10 22a-432, 22a-433, 22a-451 or 22a-452, provided that such person does
- 11 not cause or contribute to the discharge, spillage, uncontrolled loss,
- 12 seepage or filtration of such hazardous substance, material or waste
- 13 and such person is not a member, officer, manager, director,
- 14 shareholder, subsidiary, successor of, related to, or affiliated with,

15 directly or indirectly, the person who is otherwise liable under said  
16 section 22a-432, 22a-433, 22a-451 or 22a-452. In addition, the  
17 Commissioner of Environmental Protection shall also provide such  
18 person with a covenant not to sue pursuant to section 22a-133 of the  
19 general statutes and shall not require the prospective purchaser or  
20 owner to pay a fee. The municipality or economic development agency  
21 shall distribute the proceeds from any sale as follows: (1) Twenty per  
22 cent shall be retained by the municipality or economic development  
23 agency and used for capital improvements for economic development,  
24 and (2) eighty per cent shall be transferred to the Office of Brownfield  
25 Remediation and Development."

26 Strike section 12 in its entirety and renumber existing sections and  
27 internal references accordingly